

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KAREN E. TUCKER

v.

UNITED STATES OF AMERICA and
SECRETARY AGENCY OF HEALTH
AND HUMAN SERVICES

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CIVIL ACTION NO. 3:20-CV-810-S-BH

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**


Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (doc. 22) is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendation filed in this case on March 31, 2023 (doc. 13). Based on that filing, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.

(X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, the petitioner may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

SO ORDERED.

SIGNED August 18, 2023.


UNITED STATES DISTRICT JUDGE